

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21112 of 2005

Date:28.09.2005

Mekala Raya Posham

-----Petitioner

The Singareni Collieries Co. Ltd., and another

-----Respondents

ORDER:

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The petitioner was employed as a Coal Filler in the Singareni Collieries Company Limited. His date of birth was entered as 23.09.1945 in the service records. He is sought to be retired with effect from 30.09.2005. On an earlier occasion, the petitioner approached this Court by filing W.P.No.20483 of 2005 alleging that his date of birth was wrongly entered and that though he made representation on 12.09.2005 for correction of the date of birth, the respondents did not consider the same. The writ petition was disposed of on 19.09.2005 directing the respondents to pass appropriate orders on the representation of the petitioner. In pursuance of the orders of this Court, the respondents passed an order, dated 23.09.2005, pointing out that the petitioner himself acknowledged the date of birth as 23.09.1970 when he joined the service and that it cannot be altered at this stage. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

There is small controversy in this writ petition is as to when the petitioner joined the service. At some places, including the impugned order, the respondents indicated that the petitioner joined the service on 23.09.1970. However, it was corrected to be the one as 10.02.1972. The same is of little consequence. The date of birth of the petitioner was entered as 23.09.1945,

when he joined service. The petitioner is an illiterate person and the date of birth was entered, on the basis of a medical examination. Though it cannot be said to be accurate, it cannot be ignored as being not relevant. The petitioner did not have any other record or proof of his date of birth.

The petitioner made a representation, dated 12.09.2005, to the respondents, narrating certain facts and prayed for correction of his date of birth. When the same was not attended to, he approached this Court by filing the writ petition and an order was passed therein, directing the respondents to dispose of the same before 25.09.2005. The impugned order is passed thereon, narrating the circumstances relating to the entry of the date of birth of the petitioner and the finality that needs to be attached to it. The petitioner is not able to place any material to disbelieve the date of birth entered by the respondents, nor is able to point out any material defect in the registers. Even where there exists a decree of a Civil Court declaring the date of birth of an individual to be different from the one entered in the service registers, the employer cannot be compelled to act on such a decree. Such aspects are covered by the relevant service regulations. Therefore, this Court does not find any basis to grant any relief to the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

28.09.2005

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